

REMARKS

The final Office action mailed on 2 November 2005 (Paper No. 20051031) has been carefully considered.

Claims 16, 27, 29 and 36 are being canceled without prejudice or disclaimer, and claims 1, 17 and 28 are being amended. Thus, claims 1 thru 8, 12, 13, 15, 17, 19 thru 26, 28, 30 thru 32, 34, 35 and 41 thru 43 are pending in the application.

In paragraph 1 of the Office action, the Examiner objected to claim 36 under 37 C.F.R. §1.75 as being a substantial duplicate of claim 29. Accordingly, claim 36 is being canceled without prejudice or disclaimer by this Amendment.

In paragraph 3 of the Office action, the Examiner rejected claims 17, 19 thru 25, 28, 30 thru 32, 42 and 43 under 35 U.S.C. §102 for alleged anticipation by Mokhtari *et al.*, (*Bit-Rate Transparent Electronic Data Regeneration in Repeaters for High Speed Lightwave Communication Systems*, Proceedings of the 1999 IEEE, International Symposium, Vol. 2, pp. 508-511) in view of Banwell *et al.*, U.S. Patent No. 6,285,722. In paragraph 4 of the Office action, the Examiner rejected claims 1 thru 8, 12, 13, 34 and 41 under 35 U.S.C. §103 for alleged unpatentability over Mokhtari *et al.* in view of Banwell *et al.* '722, and further in view of Ishihara, U.S. Patent No. 5,557,648. In paragraph 5 of the Office action, the Examiner rejected claims 26 and 35 for alleged

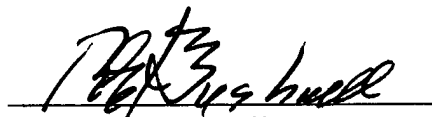
unpatentability over Mokhtari *et al.* in view of Banwell *et al.* '722, and further in view of Uda *et al.*, European Patent Publication No. 0342010. In paragraph 6 of the Office action, the Examiner rejected claim 15 under 35 U.S.C. §103 for alleged unpatentability over Mokhtari *et al.* in view of Banwell *et al.* '722 and Ishihara '648, and further in view of Uda *et al.* '010. In paragraph 7 of the Office action, claims 17, 27 and 29 are objected to for dependency upon a rejected base claim, but the Examiner stated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. For the reasons stated below, it is submitted that the invention recited in the claims, as now amended, is distinguishable from the prior art cited by the Examiner so as to preclude rejection under 35 U.S.C. §103.

Independent claims 1, 17 and 28 are being amended to include the recitations from dependent claims 16, 27 and 29, respectively, while dependent claims 16, 27, 29 and 36 are being cancelled. Based upon the Examiner's indication of allowable subject matter, it is submitted that this application is now in condition for allowance.

In view of the above, it is submitted that the claims of this application are in condition for allowance, and early issuance thereof is solicited. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

No fee is incurred by this Amendment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. E. Bushnell", is written over a horizontal line.

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